IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH FEBRUARY 2007 / 7TH PHALGUNA 1928

Tr.P(Crl.).No. 34 of 2007()

CC.270/2005 of JUDL.MAG.OF FIRST CLASS-I,MANJERI
CMP.681/2006 of DISTRICT COURT, MANJERI

(ORDER)

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PETITIONER:

T.K.ABDURAHIMAN,
S/O.MUHAMMED, THONIKKARA HOUSE,
NENMINI AMSOM, THACHINGANADAM DESOM.

BY ADV. SRI.BABU S. NAIR

RESPONDENTS:

STATE OF KERALA
REPRESENTED BY THE
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION ON 26/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

Tr.P(Crl).No.34 of 2007

Dated this the 26th day of February, 2007

ORDER

The petitioner is an advocate who faces allegations, inter alia, under Section 447 I.P.C in a criminal case, in which cognizance was taken on the basis of a final report submitted by the police. The petitioner wanted the case to be transferred to any court other than the courts at Manjeri. The learned Sessions Judge by Annexure-A order rejected the application showing reasons. Later, the learned Sessions Judge observed that the petitioner-advocate was found practising before that court only during the trial of the case in question. It is, in these circumstances, that the learned Sessions Judge proceeded to reject the prayer for transfer. Of course, it was also noted that the prayer for transfer had already been dismissed by the learned Chief Judicial Magistrate. That may not ip so facto be a valid reason for rejection of an application for transfer. But evidently the learned Sessions Judge had not refused to consider the prayer for transfer on merits of that ground. There was only an incidental reference to that event also which had taken place prior to the impugned order.

2. The learned counsel for the petitioner fairly submits that trial has already commenced and some witnesses have already been

examined. I am not satisfied, in the facts and circumstances of this case, that any transfer should be directed at this stage of the proceedings.

3. This Transfer Petition is, in these circumstances, dismissed.

(R.BASANT, JUDGE)

rtr/-